

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

JOSE GREGORIO CORPUS,

Plaintiff,

v.

FRANK LETTEMBERGER,

Defendant.

ORDER

06-cv-274-bbc

In an order dated May 19, 2006, I dismissed this civil action filed pursuant to 42 U.S.C. § 1983 because plaintiff's claims that his plea and state court conviction had been obtained illegally and that his sentence was inaccurate were not claims cognizable in a civil action. I explained to plaintiff that habeas corpus was the exclusive remedy for his claims. On June 23, 2007, I denied his request that the \$350 filing fee he paid be refunded to him. Now plaintiff has filed a second request for the return of the \$350 filing fee. As I previously explained to plaintiff, I cannot refund his filing fee. The fee was required for the filing of the case. There is no provision in the Federal Rules of Civil Procedure or in any statute enacted by Congress that authorizes a district court to refund a filing fee in instances where the case is closed following a ruling by the judge.

ORDER

IT IS ORDERED that plaintiff Jose Gregorio Corpus's second request for a refund of the filing fee he paid in this case, dkt. #7, is DENIED.

Entered this 13th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge